

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JOHNNY EDWARD MCMAHON,

Petitioner,

v.

PERRY RUSSELL, *et al.*,

Respondents.

Case No. 3:20-cv-00453-MMD-WGC

ORDER

Petitioner Johnny Edward McMahon initiated this habeas corpus action. (ECF No. 1-1.) However, it appears that he intended to file this as a motion for relief from judgment pursuant to Federal Rule of Civil Procedure 60(b) in his earlier-filed habeas petition in Case No. 2:14-cv-00076-APG-CWH. Accordingly, the Court directs the Clerk of Court to close this case and file the Rule 60(b) motion (ECF No. 7), as well as the motion for counsel (ECF No. 6), in Petitioner's earlier-filed action.

It is therefore ordered that Petitioner's application to proceed in forma pauperis (ECF No. 1) is denied as moot.

It is further ordered that the Clerk of Court file Petitioner's motion for counsel (ECF No. 6) and motion to set aside verdict pursuant to FRCP 60(b)(6) (ECF No. 7) in Case No. 2:14-cv-00076-APG-CWH.

It is further ordered that the Clerk of Court close this case.

It is further ordered that a certificate of appealability is denied.

DATED THIS 24th day of September 2020.



MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE